

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SERVISIO LUCAS SIMMON,

Plaintiff,

-v.-

MORALES, et al.,

Defendants.

-----X

ORDER

07 Civ. 8832 (LAK) (GWG)

GABRIEL W. GORENSTEIN, United States Magistrate Judge.

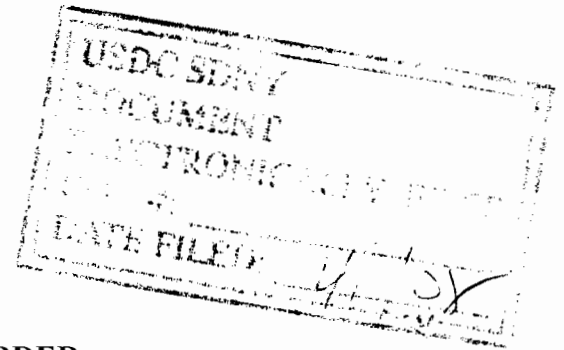
On January 10, 2008, this Court issued an Order directing the Corporation Counsel, as the attorney for and agent of the New York City Department of Correction, to provide to the plaintiff the full names and addresses of the four Correction Officers named in plaintiff's complaint so that the United States Marshal could effectuate service. The Corporation Counsel provided this information to the Court and to the plaintiff by letter dated February 15, 2008.

The January 10th Order also required plaintiff to file an amended complaint that names these individuals and to provide information to the United States Marshal on the appropriate forms so that service can be effectuated. Plaintiff was required to take both actions by March 17, 2008,

As of the date of this Order, plaintiff has not filed an amended complaint. Furthermore, the United States Marshal has informed a clerk to the undersigned that it has not received new forms for service of process. Accordingly, plaintiff is in violation of this Court's Order of January 10, 2008.

Plaintiff is warned that if he wishes to pursue this case, he must promptly take both actions required by the January 10 Order. Because plaintiff is incarcerated, the Court now gives plaintiff an additional three weeks to do so. In other words, by April 22, 2008, plaintiff must (1) file an amended complaint that names in full any defendants he wishes to sue and (2) provide the information to the United States Marshal on the appropriate forms (Form 285) so that service may be effectuated on the named individuals.¹ If plaintiff does not do so, he is warned that his case may be dismissed for either for failure to prosecute or for failure to make timely service

¹ If plaintiff does so, the deadline to effectuate service under Fed. R. Civ. P. 4(m) is extended June 20, 2008. The Clerk is authorized to issue an amended summons as necessary.

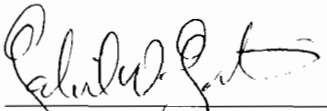


under Rule 4(m) of the Federal Rules of Civil Procedure.²

The Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance in connection with court procedures.

SO ORDERED.

Dated: April 1, 2008
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy to:

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Assistant Corporation Counsel
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New York, NY 10007

Servisio Lucas Simmon
07-A-1347
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Pine City, NY 14871-2000

² Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).